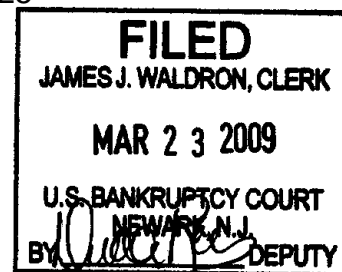


Jesal Patwari  
1032 Waterford Drive  
Edison, New Jersey, 08817  
Ph: (732)763-6024  
Pro Se



UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF NEW JERSEY

In Re:  
JESAL PATWARI

Debtor

Chapter 11  
Case No: 08-26178 (NLW)

**CERTIFICATION OF JESAL PATWARI IN SUPPORT OF THE MOTION**

I, Jesal Patwari ("Debtor"), of full age certify as follows:

I am the Debtor in the above reference matter. I am fully familiar with the facts of this case and make this certification in the support of motion to hold Rail Link LLC and Cary Heller ("collectively landlord") in contempt for willful violation of automatic stay; to compel landlord to turn over the bankruptcy estate to the Debtor; and to award the Debtor (1) Attorney Fees, (2) Actual Damages and (3) Punitive Damages.

I rely on the following exhibits, attached to this certification, which are referenced by the Memorandum of Law, submitted in support of this motion:

- 1) **Exhibit A** - Automatic Stay Order and Bankruptcy Petition of the Debtor.
- 2) **Exhibit B** - Order lifting the Automatic Stay, granting relief to the landlord only for the purpose of eviction proceedings in the State Court.

- 3) **Exhibit C** - Essex County Landlord Tenant Transcript for the eviction hearing in the courtroom of Hon. Judge Ned Rosenberg.
- 4) **Exhibit D** - Order issued by Judge Ned E. Rosenberg, which went into effect in Dec 2008.
- 5) **Exhibit E** - Fraudulent Complaint filed by the landlord employee against the Debtor in the local Municipal Court.
- 6) **Exhibit F** - Evidence of payments made by the Debtor at the time of construction of the Subway Franchise in 2002, towards the Equipments and Leasehold Improvements.
- 7) **Exhibit G** - Letter sent by Debtor's Corporate Bankruptcy Counsel Mr. Robert Schmidt to Landlord's Counsel Mr. Scott Arons, as a good faith effort, requesting the landlord to turn over the bankruptcy estate.

I certify that the foregoing statements are true. I am aware that if any of the these statements made by me are willfully false, I am subject to punishment.

Dated: March 23, 2009

  
Jesal Patwari, Debtor

## **EXHIBIT “A”**

BI (Official Form 1)(1/08)

United States Bankruptcy Court District of New Jersey				Voluntary Petition	
Name of Debtor (if individual, enter Last, First, Middle): <b>Patwari, Jesal</b>			Name of Joint Debtor (Spouse) (Last, First, Middle):		
All Other Names used by the Debtor in the last 8 years (include married, maiden, and trade names):			All Other Names used by the Joint Debtor in the last 8 years (include married, maiden, and trade names):		
Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN) No./Complete EIN (if more than one, state all) <b>xxx-xx-7145</b>			Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN) No./Complete EIN (if more than one, state all)		
Street Address of Debtor (No. and Street, City, and State): <b>1032 Waterford Dr. Edison, NJ</b>			Street Address of Joint Debtor (No. and Street, City, and State):		
ZIP Code <b>08817</b>			ZIP Code		
County of Residence or of the Principal Place of Business: <b>Middlesex</b>			County of Residence or of the Principal Place of Business:		
Mailing Address of Debtor (if different from street address):			Mailing Address of Joint Debtor (if different from street address):		
ZIP Code			ZIP Code		
Location of Principal Assets of Business Debtor (if different from street address above):					
<b>Type of Debtor</b> (Form of Organization) (Check one box)  <input checked="" type="checkbox"/> Individual (includes Joint Debtors) <i>See Exhibit D on page 2 of this form.</i> <input type="checkbox"/> Corporation (includes LLC and LLP) <input type="checkbox"/> Partnership <input type="checkbox"/> Other (if debtor is not one of the above entities, check this box and state type of entity below.)		<b>Nature of Business</b> (Check one box)  <input type="checkbox"/> Health Care Business <input type="checkbox"/> Single Asset Real Estate as defined in 11 U.S.C. § 101 (51B) <input type="checkbox"/> Railroad <input type="checkbox"/> Stockbroker <input type="checkbox"/> Commodity Broker <input type="checkbox"/> Clearing Bank <input checked="" type="checkbox"/> Other  <b>Tax-Exempt Entity</b> (Check box, if applicable) <input type="checkbox"/> Debtor is a tax-exempt organization under Title 26 of the United States Code (the Internal Revenue Code).		<b>Chapter of Bankruptcy Code Under Which the Petition is Filed (Check one box)</b>  <input type="checkbox"/> Chapter 7 <input type="checkbox"/> Chapter 9 <input checked="" type="checkbox"/> Chapter 11 <input type="checkbox"/> Chapter 12 <input type="checkbox"/> Chapter 13  <input type="checkbox"/> Chapter 15 Petition for Recognition of a Foreign Main Proceeding <input type="checkbox"/> Chapter 15 Petition for Recognition of a Foreign Nonmain Proceeding  <b>Nature of Debts</b> (Check one box)  <input type="checkbox"/> Debts are primarily consumer debts, defined in 11 U.S.C. § 101(8) as "incurred by an individual primarily for a personal, family, or household purpose." <input checked="" type="checkbox"/> Debts are primarily business debts.	
<b>Filing Fee (Check one box)</b>  <input checked="" type="checkbox"/> Full Filing Fee attached <input type="checkbox"/> Filing Fee to be paid in installments (applicable to individuals only). Must attach signed application for the court's consideration certifying that the debtor is unable to pay fee except in installments. Rule 1006(b). See Official Form 3A. <input type="checkbox"/> Filing Fee waiver requested (applicable to chapter 7 individuals only). Must attach signed application for the court's consideration. See Official Form 3B.			<b>Chapter 11 Debtors</b> Check one box: <input type="checkbox"/> Debtor is a small business debtor as defined in 11 U.S.C. § 101(51D). <input checked="" type="checkbox"/> Debtor is not a small business debtor as defined in 11 U.S.C. § 101(51D). Check if: <input type="checkbox"/> Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,190,000. Check all applicable boxes: <input type="checkbox"/> A plan is being filed with this petition. <input type="checkbox"/> Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).		
<b>Statistical/Administrative Information</b> <input type="checkbox"/> Debtor estimates that funds will be available for distribution to unsecured creditors. <input checked="" type="checkbox"/> Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors.				THIS SPACE IS FOR COURT USE ONLY	
<b>Estimated Number of Creditors</b> <input checked="" type="checkbox"/> 1-49 <input type="checkbox"/> 50-99 <input type="checkbox"/> 100-199 <input type="checkbox"/> 200-999 <input type="checkbox"/> 1,000-5,000 <input type="checkbox"/> 5,001-10,000 <input type="checkbox"/> 10,001-25,000 <input type="checkbox"/> 25,001-50,000 <input type="checkbox"/> 50,001-100,000 <input type="checkbox"/> OVER 100,000					
<b>Estimated Assets</b> <input checked="" type="checkbox"/> \$0 to \$50,000 <input type="checkbox"/> \$50,001 to \$100,000 <input type="checkbox"/> \$100,001 to \$500,000 <input type="checkbox"/> \$500,001 to \$1 million <input type="checkbox"/> \$1,000,001 to \$10 million <input type="checkbox"/> \$10,000,001 to \$50 million <input type="checkbox"/> \$50,000,001 to \$100 million <input type="checkbox"/> \$100,000,001 to \$500 million <input type="checkbox"/> \$500,000,001 to \$1 billion <input type="checkbox"/> More than \$1 billion					
<b>Estimated Liabilities</b> <input type="checkbox"/> \$0 to \$50,000 <input type="checkbox"/> \$50,001 to \$100,000 <input type="checkbox"/> \$100,001 to \$500,000 <input checked="" type="checkbox"/> \$500,001 to \$1 million <input type="checkbox"/> \$1,000,001 to \$10 million <input type="checkbox"/> \$10,000,001 to \$50 million <input type="checkbox"/> \$50,000,001 to \$100 million <input type="checkbox"/> \$100,000,001 to \$500 million <input type="checkbox"/> \$500,000,001 to \$1 billion <input type="checkbox"/> More than \$1 billion					

B1 (Official Form 1)(1/08)

Page 2

<b>Voluntary Petition</b> (This page must be completed and filed in every case)		Name of Debtor(s): <b>Patwari, Jesal</b>	
All Prior Bankruptcy Cases Filed Within Last 8 Years (If more than two, attach additional sheet)			
Location Where Filed: - None -		Case Number:	Date Filed:
Location Where Filed:		Case Number:	Date Filed:
Pending Bankruptcy Case Filed by any Spouse, Partner, or Affiliate of this Debtor (If more than one, attach additional sheet)			
Name of Debtor: <b>See Attachment</b>		Case Number:	Date Filed:
District:		Relationship:	Judge:
<b>Exhibit A</b> (To be completed if debtor is required to file periodic reports (e.g., forms 10K and 10Q) with the Securities and Exchange Commission pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 and is requesting relief under chapter 11.)  <input type="checkbox"/> Exhibit A is attached and made a part of this petition.		<b>Exhibit B</b> (To be completed if debtor is an individual whose debts are primarily consumer debts.) I, the attorney for the petitioner named in the foregoing petition, declare that I have informed the petitioner that [he or she] may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each such chapter. I further certify that I delivered to the debtor the notice required by 11 U.S.C. §342(b).  <b>X</b> _____ Signature of Attorney for Debtor(s) (Date)	
<b>Exhibit C</b> Does the debtor own or have possession of any property that poses or is alleged to pose a threat of imminent and identifiable harm to public health or safety? <input type="checkbox"/> Yes, and Exhibit C is attached and made a part of this petition. <input checked="" type="checkbox"/> No.			
<b>Exhibit D</b> (To be completed by every individual debtor. If a joint petition is filed, each spouse must complete and attach a separate Exhibit D.) <input checked="" type="checkbox"/> Exhibit D completed and signed by the debtor is attached and made a part of this petition. If this is a joint petition: <input type="checkbox"/> Exhibit D also completed and signed by the joint debtor is attached and made a part of this petition.			
<b>Information Regarding the Debtor - Venue</b> (Check any applicable box) <input checked="" type="checkbox"/> Debtor has been domiciled or has had a residence, principal place of business, or principal assets in this District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District. <input checked="" type="checkbox"/> There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District. <input type="checkbox"/> Debtor is a debtor in a foreign proceeding and has its principal place of business or principal assets in the United States in this District, or has no principal place of business or assets in the United States but is a defendant in an action or proceeding [in a federal or state court] in this District, or the interests of the parties will be served in regard to the relief sought in this District.			
<b>Certification by a Debtor Who Resides as a Tenant of Residential Property</b> (Check all applicable boxes) <input type="checkbox"/> Landlord has a judgment against the debtor for possession of debtor's residence. (If box checked, complete the following.)  _____ (Name of landlord that obtained judgment)  _____ (Address of landlord)  <input type="checkbox"/> Debtor claims that under applicable nonbankruptcy law, there are circumstances under which the debtor would be permitted to cure the entire monetary default that gave rise to the judgment for possession, after the judgment for possession was entered, and <input type="checkbox"/> Debtor has included in this petition the deposit with the court of any rent that would become due during the 30-day period after the filing of the petition. <input type="checkbox"/> Debtor certifies that he/she has served the Landlord with this certification. (11 U.S.C. § 362(l)).			

B1 (Official Form 1)(1/08)

Page 3

## Voluntary Petition

(This page must be completed and filed in every case)

Name of Debtor(s):

Patwari, Jesal

### Signatures

#### Signature(s) of Debtor(s) (Individual/Joint)

I declare under penalty of perjury that the information provided in this petition is true and correct.

[If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7.

[If no attorney represents me and no bankruptcy petition preparer signs the petition] I have obtained and read the notice required by 11 U.S.C. §342(b).

I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.

X /s/ Jesal Patwari Jesal Patwari

Signature of Debtor Jesal Patwari

X \_\_\_\_\_  
Signature of Joint Debtor

Telephone Number (If not represented by attorney)

August 27, 2008

Date

#### Signature of Attorney\*

X /s/ Robert L. Schmidt Robert L. Schmidt

Signature of Attorney for Debtor(s)

Robert L. Schmidt

Printed Name of Attorney for Debtor(s)

Norris, McLaughlin & Marcus, P.A.

Firm Name

721 Route 202-206

PO Box 1018

Somerville, NJ 08876-1018

Address

908-722-0700 Fax: 908-722-0755

Telephone Number

August 27, 2008

Date

\*In a case in which § 707(b)(4)(D) applies, this signature also constitutes a certification that the attorney has no knowledge after an inquiry that the information in the schedules is incorrect.

#### Signature of Debtor (Corporation/Partnership)

I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor.

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

X \_\_\_\_\_  
Signature of Authorized Individual

Printed Name of Authorized Individual

Title of Authorized Individual

Date

#### Signature of a Foreign Representative

I declare under penalty of perjury that the information provided in this petition is true and correct, that I am the foreign representative of a debtor in a foreign proceeding, and that I am authorized to file this petition.

(Check only one box.)

☐ I request relief in accordance with chapter 15 of title 11, United States Code. Certified copies of the documents required by 11 U.S.C. §1515 are attached.

☐ Pursuant to 11 U.S.C. §1511, I request relief in accordance with the chapter of title 11 specified in this petition. A certified copy of the order granting recognition of the foreign main proceeding is attached.

X \_\_\_\_\_  
Signature of Foreign Representative

Printed Name of Foreign Representative

Date

#### Signature of Non-Attorney Bankruptcy Petition Preparer

I declare under penalty of perjury that: (1) I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110; (2) I prepared this document for compensation and have provided the debtor with a copy of this document and the notices and information required under 11 U.S.C. §§ 110(b), 110(h), and 342(b); and, (3) if rules or guidelines have been promulgated pursuant to 11 U.S.C. § 110(h) setting a maximum fee for services chargeable by bankruptcy petition preparers, I have given the debtor notice of the maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor, as required in that section. Official Form 19 is attached.

Printed Name and title, if any, of Bankruptcy Petition Preparer

Social-Security number (If the bankruptcy petition preparer is not an individual, state the Social Security number of the officer, principal, responsible person or partner of the bankruptcy petition preparer.) (Required by 11 U.S.C. § 110.)

Address

X \_\_\_\_\_

Date

Signature of Bankruptcy Petition Preparer or officer, principal, responsible person, or partner whose Social Security number is provided above.

Names and Social-Security numbers of all other individuals who prepared or assisted in preparing this document unless the bankruptcy petition preparer is not an individual:

If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.

*A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both 11 U.S.C. §110; 18 U.S.C. §156.*

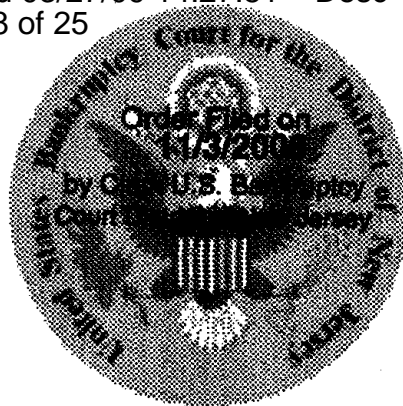
## **EXHIBIT “B”**

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY**

**Caption in Compliance with D.N.J. LBR 9004-2(c)**

**ARONS & ARONS, LLC  
76 SOUTH ORANGE AVE., STE. 100  
SOUTH ORANGE, NJ 07079  
(973) 762-09 0795**

**In Re: Jesal Patwari, A Delaware  
Liability Company, Shapat, Inc.,  
Patwari, LLC, Shapat 2, LLC and  
Shapat 3, LLC**



**Case No.: 08-26178, 81, 84, 86 and 88**

**Adv. No.:**

**Hearing Date:**

**Judge: Novalyn L. Winfield**

The relief set forth on the following pages, numbered two (2) through 2 is hereby **ORDERED**.

**DATED: 11/3/2008**

*Novalyn L. Winfield*  
\_\_\_\_\_  
Honorable Novalyn L. Winfield  
United States Bankruptcy Judge



The within matter being opened to the Court by Scott Arons, Esq., attorney for movant, upon Rail Link, L.L.C. notice to the debtors and for good cause having been shown:

IT IS on this      day of                      , 2008

**ORDERED**, that the automatic stay is hereby vacated for the purpose of permitting the debtor's landlord, Rail Link, LLC to proceed in the Essex County Special Civil Part. with its action for possession of the rental property occupied by the Debtors, located at 49 Claremont Avenue, Montclair, New Jersey; and it is further

**ORDERED**, that a copy of this Order be served upon all parties in interest within 7 days of the date hereof.

Section 365(b)(1) governs assumption or rejection of a lease. Trustee has 60 days from filing of petition to assume or reject. See section 365(d)(1).

365(b)(1) provides that debtor must provide adequate protection, or actually cure the default, and assure future performance.

Honorable Novalyn L. Winfield  
Judge, U.S. Bankruptcy Court  
P.O. Box 1352  
Newark, NJ 07101-1352

Rail Link, L.L.C.  
76 South Orange Ave., Ste. 102  
South Orange, N.J. 07079  
**Attn.: Cary Heller**

**Attn.: Robert L. Schmidt**  
Norris McLaughlin & Marcus, P.A.  
P.O. Box 1018  
Somerville, N.J. 08876-1018  
**Attorney for Debtor**

Jesal Patwari  
1032 Waterford Drive  
Edison, N.J. 08817

Shapat, Inc.;  
1032 Waterford Drive  
Edison, N.J. 08817

Patwari, LLC;  
1032 Waterford Drive  
Edison, N.J. 08817

Shapat 2, LLC;  
1032 Waterford Drive  
Edison, N.J. 08817

Shapat 3, LLC  
1032 Waterford Drive  
Edison, N.J. 08817

## **EXHIBIT “C”**

I N D E X

DECISION

PAGE

BY: THE COURT

6

Colloquy

3

THE COURT: .... versus Subway Real Estate Corp., landlord/tenant, 30175-08.

Counsel, your appearance?

MR. ARONS: On behalf of Rail Link, Scott Arons, attorney.

MS. VERMA: On behalf of subtenants, Susheela Verma. We are not a party to this litigation, but I believe Mr. Arons is amending his complaint.

THE COURT: Okay. Well, for the record, I've conferred with counsel in chambers on some of the factual aspects of this matter, and I understand there will be an amendment to the complaint, Ms. Verma, to name your client. You're here. You obviously have notice of the process, and will, therefore, amend the complaint to your client, who is Jesal Desai, is that correct?

MS. VERMA: That's correct, Judge.

THE COURT: Is that right, Mr. Arons? You're amending the complaint?

MR. ARONS: Yeah -- yes.

There's one other issue, and I believe that we didn't discuss it in chambers, that my client, for -- for reasons of health for the -- for the balance of the building, would like, at least within the next few days, to have access to the premises just see there's

1 some -- maybe some mice issues, and some utility  
2 issues. So, he'd like to get in there.

3 MS. VERMA: Just one comment here, Judge. I  
4 -- I believe the attorneys who are representing my  
5 client in the bankruptcy process -- she's just advising  
6 me that they said that they should not have access to  
7 the premises. Subject to consulting them, if it's okay  
8 as far as the bankruptcy is concerned -- I have no  
9 expertise in that area. I think if it's okay with  
10 those attorneys, I think both of the parties can go on  
11 the premises. They would not have any issues on that.

12 THE COURT: Well, there's a written lease  
13 agreement. I think -- I would assume for health  
14 reasons, this is a commercial tenancy. The Court will  
15 make note of the fact it was a Subway. There may be  
16 food stuff. It hasn't operated -- I believe you told  
17 me in chambers -- since August or September.

18 MS. VERMA: Since September 18.

19 THE COURT: So, I would think just for the  
20 rights of -- of other tenants, and just the general  
21 public, and that -- and I would assume the landlord, or  
22 some of the other tenants may even have contracts with  
23 extermination services, and the like.

24 So, there really should be access, and it  
25 would be something, I'm sure, that's reserved to the

Colloquy

5

1 landlord under the lease, is that right, Mr. Arons?

2 MR. ARONS: It is -- it is, Your Honor.

3 THE COURT: So, I don't see -- I would think  
4 that the parties could confer, and that would be not a  
5 problem.

6 As indicated in -- it's my understanding the  
7 tenant is Subway Real Estate Corp. However, the rent,  
8 by virtue of the franchise agreement, was paid directly  
9 to Rail Link, LLC, and as a result thereof rent was so  
10 paid. It has not been paid, but there was an  
11 acknowledgment that, so to speak, the real tenant in  
12 interest is Ms. Desai, your client, correct?

13 MS. VERMA: That's correct, Judge.

14 THE COURT: So, the complaint will be amended  
15 to name Jesal Desai as a -- as a defendant, as well as  
16 Subway Real Estate Corp.

17 MS. VERMA: That's correct, Judge.

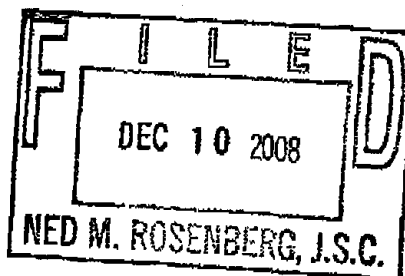
18 MR. ARONS: Agreed.

19 THE COURT: Okay. And it's my understanding  
20 also you're consenting to a judgment for possession.

21 MS. VERMA: Well, at this point in time we  
22 really have no choice because of the injunction. So,  
23 we're reserving all of her rights against Subway Real  
24 Estate Corp., which has defaulted, but at the same  
25 time, because my client, practically speaking, because

## **EXHIBIT “D”**

**ARONS & ARONS, LLC**  
**ATTORNEYS AT LAW**  
76 South Orange Avenue, Suite 100  
South Orange, New Jersey 07079  
(973) 762-0795  
Attorney for Plaintiff



RAIL LINK, LLC, A New Jersey  
Partnership,

Plaintiff(s)

v.

SUBWAY REAL ESTATE CORP.,

Defendant(s)

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION, SPECIAL CIVIL PART  
ESSEX COUNTY

DOCKET NO.: ESX-LT-030175-08

Civil Action

**ORDER**

This matter having been opened to the Court by attorney for the plaintiff, Rail Link, LLC, A New Jersey Partnership, and there being no Answer to the Complaint or appearance by the defendant, Subway Realty Estate Corp., and Jesal Desai having, by and through her attorney, Susheela Verma, appeared under the filing of a Motion to Intervene; and an Agreement having been reached between the plaintiff, Rail Link, LLC, A New Jersey Partnership and Jesal Desai and placed on the record on November 19, 2008,

It is on this 10<sup>th</sup> day of December, 2008

**ORDERED** as follows:

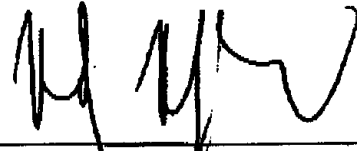
1. The Complaint is amended to include as a defendant, Jesal Desai;
2. Default is entered against the defendant, Subway Real Estate Corp.;
3. Judgment for possession is entered against defendant, Subway Real Estate Corp. and Jesal

Desai and a warrant for removal shall immediately issue, which warrant shall be stayed and not be executed until December 4, 2008;

4. The plaintiff shall have access to the premises for the purpose of preserving and protecting the property; and it is;

**IT IS FURTHER ORDERED** that a copy of this Order shall be served on all parties within

7 days of the date hereof.



NED M. ROSENBERG, J.S.O.



## **EXHIBIT “E”**

Address 102 WATERFORD DRIVE

COURT ESSEX	N.J.	COURT CPD	EDISON	NJ 08817	SS No.
COURT DOCKET NUMBER(S)			00-00-0000		00-00-0000
1 THRU 2			Date of birth		Date of arrest

Number of co-defendants 000 Dr. Lic.# SBI No.

**COMPLAINT - SUMMONS**

Complainant Name: CHRIS FUENTES of (IDENTIFY DEPARTMENT OR AGENCY REPRESENTED)

Residing at (ADDRESS OF PRIVATE CITIZEN COMPLAINANT) Upon oath says that, to the best of (his) (her) knowledge, information and belief, the named defendant on or about the

28 day of 11, 2008 in MONTCLAIR TWP MUNICIPAL CODE NO. 0713 County of ESX N.J.

id;  
WITHIN THE JURISDICTION OF THIS COURT, PURPOSELY TAMPERS WITH THE TANGIBLE PROPERTY OF ANOTHER SO AS TO ENDANGER PERSON OR PROPERTY BY DAMAGING THE RENTAL PROPERTY, SUBWAY SPECIFICALLY BY DESTROYING AND REMOVING MATERIALS AFFIXED TO THE WALLS, DOOR ETC, VALUE EXCEEDING \$10,000.00 IN VIOLATION OF 2C:20-3A  
WITHIN THE JURISDICTION OF THIS COURT, COMMIT THE OFFENSE OF THEFT BY UNLAWFULLY TAKING OR EXERCISING CONTROL OVER CERTAIN MOVEABLE PROPERTY, TO WIT, DOORS, FIXTURES ETC. BELONGING TO CHRIS FUENTES WITH THE INTENT TO DEPRIVE THE OWNER THEREOF, SPECIFICALLY BY, TAKING ITEMS FROM THE SUBWAY OWNED BY CHRIS FUENTES, DOORS, FIXTURES, ETC. IN VIOLATION OF 2C:20-3A

PROBABLE CAUSE IS FOUND FOR THE ISSUANCE OF THIS COMPLAINT

In Violation Of: ☐ Domestic Violence - Confidential

Charge Number 1	Charge Number 2	Charge Number
N.J.S. 2C:17-3A(2)	N.J.S. 2C:20-3A	N.J.S.
ACSX	ACSX	ACSX
Charge Number 1	Charge Number 2	Charge Number
N.J.S. As Amended	N.J.S. As Amended	N.J.S. As Amended
ACSX	ACSX	ACSX

Signed: [Signature] Subscribed and sworn to before me this 4th day of Dec, 2008. Signed: [Signature] (COMPLAINANT)

YOU ARE HEREBY SUMMONED TO APPEAR BEFORE THIS COURT TO ANSWER THIS COMPLAINT. IF YOU FAIL TO APPEAR ON THE DATE AND AT THE TIME STATED, A WARRANT WILL BE ISSUED FOR YOUR ARREST.

DATE SUMMONS ISSUED 12/03/2008 DATE TO APPEAR 12/24/2008 TIME 09:30 AM

(SIGNATURE PERSON ISSUING SUMMONS)

TITLE

FIRST APPEARANCE				COURT ACTION (Where Judgement or Conditional Discharge is Entered)							
				<input type="checkbox"/> ADVISED OF RIGHTS				METHOD OF SERVICE:			
CHARGES	WAIVER INDY / JURY	PLEA	DATE OF PLEA	ADJUDICATION OR COND. DISCH	DATE	COND DISCHARGE TERM	JAIL TERM	FINE	COSTS	PROBATION TERM	SUSP. IMP.
NUMBER 1											
NUMBER 2											
NUMBER											
OTHER COURT ACTION				Total DEDR Penalty Amount:				Total Violent Crimes Assessment Amount:			
DATE	DEFENDANT DISCHARGED AS TO PROBABLE CAUSE PROSECUTOR GIVEN PRIOR NOTICE			Total Lab Fee		Conditional Disc. Fee		DL. Susp.		Institution to Which Sentenced	
DATE	COMPLAINT REFERRED TO PROSECUTOR			Community Service		Restitution				JAIL TIME CREDIT	
Domestic Violence: <input type="checkbox"/> NG PHONE OR PERSONAL CONTACT WITH VICTIM								Other (specify)			
RESTRAINTS (SPECIFY) <input type="checkbox"/> NO POSSESSION FIREARMS / WEAPONS											

**(FTA OR BAIL) INFORMATION**

☐ BAIL FORM ATTACHED

DATE	AMOUNT BAIL SET	REL. ON BAIL	R - O - R	COMMITTED DEFAULT	COMMITTED WITHOUT BAIL	PLACE COMMITTED
		1	2	3	4	

## **EXHIBIT “F”**

Subway Montclair/Shapat Inc

Leasehold Improvement Funds Distribution

2002-2003

Date	Name	Amount Remitted
10/01/02	DAI	10000.00
11/20/02	LLG Architect	575.00
11/24/02	SREC	2400.00 (Deposit Rent)
11/25/02	Rail Link LLC	6600.00 (Deposit Rent)
1/2/03	Hartford Insurance	615.94
2/6/03	Sagu Construction	16067.00
2/12/03	DAI	51381.03 (Equipment)
2/13/03	Subtechnologies	20.66
2/18/03	Poster Display	111.75
2/28/03	Carrano Air Contract	4300.00
3/3/03	Hartford Insurance	412.68
3/3/03	Micros Systems	4883.78
3/10/03	SJ Carney Roofing Contractor	245.00
3/15/03	Sagu Construction	15000.00
3/20/03	Township of Montclair	101.00
3/27/03	DAI	2455.84
3/31/03	Sagu Construction	15000.00
3/31/03	AAA Sprinkler	2000.00
4/1/03	Carrano AirContract	1500.00
4/4/03	Sagu Construction	15000.00
4/8/03	King Uniform	126.70
4/11/03	Township of Montclair	137.00(Sign & Plumbing)
4/14/03	Poster Display	38.75
4/21/03	Township Of Montclair	50.00 (Health)
4/22/03	AAA Sprinkler	400.00
4/24/03	Reinhart Food Service	4474.08
4/28/03	Office Max	211.98
5/1/03	Competitive Signs	307.40

Subway Purchase Order Edit List  
February 12, 2003

Store # : 27800 Jesal Desai Edit List # : 89581 USA

1) Master File Address	2) Freight Address	3) UPS Address
Jesal Desai	JESAL DESAI	JESAL DESAI
49 Claremont Ave	SUBWAY #27800	SUBWAY #27800
Montclair, NJ 07042	49 CLAREMONT AVE	1032 WATERFORD DR
USA	MONTCLAIR, NJ 07042	EDISON, NJ 08817
	USA	USA
	201-892-1044	201-892-1044

Item #	Description	Qty	U Price	Ext. Price	L B Loc	Method	PN #
1109	***LIFT GATE TRUCK FEE APPX **	1	100.00	110.00	N Y 2		
1213	KLB 68CK COOLER SUB	1	3,723.25	4,095.58	N Y 2		
1359	RETARDER CA60RR25 W/CASTERS	1	365.00	401.50	N Y 2		
1400	***LIFT GATE TRUCK FEE APPX **	1	100.00	110.00	N Y 2		
1410	FRT CTR WARMER - RIGHT	1	.00	.00	N Y 2		
1424	SUB-N-FC-MOD*ADD*NO LAMINATE (TOTAL LENGTH 19'4")	1	5,593.00	6,152.30	N Y 2		
1427	FC-MOD-REIN 2' *ADD* REG END	1	456.00	501.60	N Y 2		
1450	DUKE BLACK PAN & LID SET	1	304.00	334.40	N Y 2		
1457	30X96 WORK TABLE	1	295.00	324.50	N Y 2		
1470	SDTS 2116-32 SINK	1	766.00	842.60	N Y 2		
1471	LD1E WASTE LEVER EACH	3	33.00	108.90	N Y 2		
1472	F2E 12" FAUCET	1	70.00	77.00	N Y 2		
1474	PR3EF PRE-RINSE W/FT	1	243.00	267.30	N Y 2		
1480	SDTS-2116-11L SINK	1	517.00	568.70	N Y 2		
1527	BEV CTR SUB-P 5' **✓	1	703.00	773.30	N Y 2		
1546	BACK COUNTER 4'*	2	496.00	1,091.20	N Y 2		
✓1549	BACK CTR SINK W/FAUCET RIGHT	1	165.00	181.50	N Y 2		
✓1875	QUICK DROP SAFE BD1512	1	269.00	295.90	N Y 2		
2261	24X48 4TR DRY STORAGE SHLVG	4	111.92	492.45	N Y 2		
2360	COOLER SHLVG 68-6'7" MS MOD	1	477.84	525.62	N Y 2		
2365	C/F SHLVG 68-3-6'7" MS	1	442.80	487.08	N Y 2		
✓2402	AMANA RFS10SW2 MICROWAVE	1	521.00	573.10	N Y 3		
✓2403	AMANA RFS 12SW2 MICROWAVE	1	659.00	724.90	N Y 3		
2410	SPEC INSTRUCT - ADDRESS	1	.00	.00	N N 2		
✓2500	NEMCO EASY SLICER N55200 AN	1	175.00	192.50	N Y 3		
✓2503	NEMCO 55135 VEG BLADE	1	16.25	17.88	N Y 3		
✓2560	NEMCO TOMATO SLICER	1	116.00	127.60	N Y 3		
✓2561	NEMCO TOM SLICER BLADE 3/16	1	10.45	11.50	N Y 3		
✓2565	NEMCO TUNA PRESS	1	122.00	134.20	N Y 3		
✓3550	HINSON "OPEN" W/BORDER	1	199.00	218.90	N Y 3		
✓3950	SUBWAY CLOCK W/LOGO	1	32.95	36.25	N Y 3		
4321	QVO 424A 22" CUBER "AIR"	1	1,403.00	1,543.30	N Y 2		
5701	NUVU OVEN SUB-123 20B-3-L	1	3,240.00	3,564.00	N Y 2		
5720	NUVU ENC BREAD CAB HW-20 RT	2	465.00	1,023.00	N Y 2		
5750	***LIFT GATE TRUCK FEE APPX **	1	100.00	110.00	N Y 2		
✓6100	4 WIDE BREAD FORMS - DOZ	5	155.40	854.70	N Y 3		
✓6106	SHIP FORMS - TWO DOZEN	1	7.00	7.70	N Y 3		

42 left  
(to be received)  
3 bags

✓ 6107	SHIP FORMS - 3 DOZEN	1	10.00	11.00	N Y 3
✓ 6109	DELI ROLL FORM #1504 CS/6	2	77.70	170.94	N Y 3
✓ 6110	PARTY SUB BREAD FORM CS/4	2	47.60	104.72	N Y 3
✓ 6113	SHIP PARTY SUB/SILPAT 3 CS	2	7.00	15.40	N Y 3
✓ 6115	SILPAT LINER CS/6	2	45.00	99.00	N Y 3
✓ 6200	13X19 BUN PANS/DOZ	5	49.32	271.26	N Y 3
✓ 8200	FAF KID'S PAK FLOOR DISPLAY	1	91.00	100.10	N Y 3
✓ 8221	CHIP RACK 48H X 36W X 12D	1	.00	.00	N Y 3
✓ 8223	STORE ADDRESS	1	.00	.00	N N 2
✓ 9301	S876-01 PINT SIZE START UP PKG	1	71.27	78.40	N Y 3
✓ 9310	SUR TECH SMALLWARES PKG *A*	1	1,431.55	1,574.71	N Y 3
✓ 9505	ADP CURVED FRONT DISP/DRAWER	1	.00	.00	N Y 3
✓ 9520	MKT FLOOR STAND 14X22 2 POLES	1	36.00	39.60	N Y 3
✓ 9521	USA/FR EST UPS SHIPPING	1	12.00	13.20	N Y 3
✓ 9800	COMARK THERMOSTAT KIT #541000	1	84.21	92.63	N Y 3
✓ 50109	FREEZER - HINGE LEFT	1	.00	.00	N N 2
✓ 50176	KLF 483CX	1	4,427.85	4,870.64	N Y 2
✓ 50419	DUKE BACK CTR TRIM KIT	1	.00	.00	N Y 2
✓ 60030	TUSCANY CITYSCAPE MURAL	56	13.75	847.00	N Y 3
✓ 60035	TUSCANY STUCCO WALL COVERING	55	13.00	786.50	N Y 3
✓ 60040	TUSCANY BRICK WALL COVERING	34	13.00	486.20	N Y 3
✓ 60041	BANNERS - SET OF THREE	4	169.75	746.90	N Y 3
✓ 60102	EXTENDED TOP FOR TILE (FRONT & SIDES)	1	196.00	215.60	N Y 2
✓ 60105	DUKE COUNTERS IRISH MAPLE	1	.00	.00	N N 2
✓ 60110	DUKE 17'2" DECOR PKG/PURSE RAI	1	1,099.00	1,208.90	N Y 2
✓ 60120	DUKE FC END PANELS IRISH MAPLE	2	105.00	231.00	N Y 2
✓ 60125	IRISH MAPLE PNL/ADD/FT 3'HIGH	2	45.00	99.00	N Y 2
✓ 60200	IRISH MAPLE LAMINATE 4X12	2	58.00	127.60	N Y 2
✓ 60201	DUKE T-MOLDING 12'	6	16.00	105.60	N Y 2
✓ 61000	TABLE TOP 20X24 (2 COLOR INLAY	19	68.00	1,421.20	N Y 2
✓ 61005	TABLE TOP 30X30 (2 COLOR INLAY	1	91.00	100.10	N Y 2
✓ 61055	TABLE BASE 22X22 - BLACK	19	21.00	438.90	N Y 2
✓ 61056	PLYMOLD CANTILEVER/TABLE TOP	1	29.00	31.90	N Y 2
✓ 61070	QUEST CHAIR-CUSHION	40	58.00	2,552.00	N Y 2
✓ 61095	TRASH UNIT - DURA EDGE	1	285.00	313.50	N Y 2
✓ 61099	SEATING COLOR - IRISH MAPLE	1	.00	.00	N N 2
✓ 62105	8 PANEL NON ILLUM M'BRD/TRANS	2	448.00	492.80	N Y 3
✓ 62210	RECESSED DOWNLIGHT ADJ/1 LAMP	12	41.40	546.48	N Y 2
✓ 62215	2X2 ACRYLIC LENS/2 LAMPS	19	53.55	1,119.20	N Y 2
✓ 62220	2X2 PARABOLIC LENS/2 LAMPS	11	61.20	740.52	N Y 2
✓ 62225	PENDANT FIXTURE/LAMP	12	29.95	395.34	N Y 2
✓ 62231	8S TRACK LIGHT (8 SYRT MENU)	1	472.75	520.03	N Y 2
✓ 70003	1 BAG HOLDER/1 T-SHIRT HOLDER	1	18.00	19.80	N Y 3
✓ 70180	BREAD COVER	1	10.60	11.66	N Y 3
✓ 100230	USA OPENING PACK	1	.00	.00	N Y 3
✓ 100801	SHIPPING - STAMP DISPENSER	1	10.00	11.00	N Y 3
✓ 101190	US PEPSI 8 PANEL MENU KIT	1	.00	.00	N Y 3
✓ 101464	USA GHT3 BREAD/SAUCE KIT	1	.00	.00	N Y 3
✓ 101563	SFAFT USA/PEPSI MERCHANDISER K	1	.00	.00	N Y 3
✓ 300090	SUB CLUB DISPENSER PACKAGE	1	110.00	121.00	N Y 3
✓ 499999	FAF PEPSI NEW STORE KIT	1	.00	.00	N Y 3
	ESTIMATED PREPAID FREIGHT		3,121.54	3,433.69	N Y

473379  
100000

88 (--- Totals ---) 395 51,445.93

Buffered Total : .00

HAS ALL OF YOUR REQUIRED PAPERWORK BEEN SUBMITTED?

SIGNED SUBLEASE, GOLD STANDARD INSURANCE, COMPLETED PRE-AUTHORIZED OR DIRECT DEBIT FORM, A FULL SET OF FLOOR PLANS, AND PAYMENT REQUIRED PRIOR TO PLACING ANY EQUIPMENT ORDERS WITH SUPPLIERS

## **EXHIBIT “G”**



February 20, 2009

Scott Arons, Esq.  
Arons & Arons, LLC  
76 South Orange Ave.  
Suite 100  
South Orange, NJ 07079

Re: Shapat, Inc  
Case No. 08-26181 (NLW)  
49 Claremont Ave., Montclair, NJ 07042

Dear Mr. Arons:

This firm represents Shapat, Inc. in a chapter 11 bankruptcy proceeding presently pending before the United States Bankruptcy Court, District of New Jersey bearing case no. 08-26181.

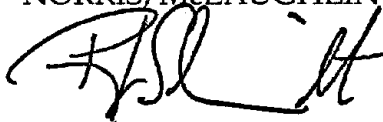
My client informs me that the landlord, Rail Link, LLC, is refusing to give Shapat, Inc. access to the leased premises so that Shapat, Inc. can remove its equipment. Such interference is clearly in violation of the automatic stay provisions of the Bankruptcy Code and represents an unauthorized attempt to exercise control over property of the bankruptcy estate.

Upon receipt hereof, I am hereby demanding that Rail Link, LLC allow Shapat, Inc. access to the leased premises to complete its removal of the subject equipment.

Please notify me immediately of your client's intentions.

Very truly yours,

NORRIS, McLAUGHLIN & MARCUS, PA



ROBERT L. SCHMIDT

RLS/mm  
cc: Jesal Patwari

